

AMENDED IN ASSEMBLY MAY 12, 2003

AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 547

Introduced by Assembly Member Liu Members Liu, Maddox, and Parra
(Coauthors: Assembly Members Berg, Matthews, and Negrete McLeod)

February 18, 2003

An act to add Section 66025.6 to the Education Code, relating to ~~student financial aid, and making an appropriation therefor: public postsecondary education.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 547, as amended, Liu. ~~Student financial aid: California Public postsecondary education: tuition and fee waivers for National Guard grants and State Military Reserve.~~

Existing law prohibits campuses of the University of California, the California State University, or the California Community Colleges from charging any tuition or fees to certain dependents or survivors of veterans, including any child of any veteran of the United States military who has a service-connected disability, has been killed in service, or has died of a service-connected disability, where the annual income of the child, including the value of any support received from a parent, does not exceed the national poverty level, as defined.

This bill would prohibit a community college campus from charging enrollment fees, and would prohibit the University of California and the

California State University from charging in excess of specified amounts of tuition or fees, to qualifying members of the National Guard and State Military Reserve, as defined. The bill would grant to qualifying members of the National Guard and the State Military Reserve reimbursement of tuition or fees, reimbursement for any dormitory expenses, and academic leave when active duty, as defined, interrupts college attendance. These provisions would become operative commencing with the 2004–05 academic year.

The bill would require the Regents of the University of California, the Trustees of the California State University, and the Board of Governors of the California Community Colleges to report to the Legislature on the fiscal impact of these provisions within 90 days of the close of each academic year.

Pursuant to existing law, none of the provisions of this bill would apply to the University of California except to the extent that the Regents of the University of California, by appropriate resolution, make a provision applicable.

~~Under existing law, the Military Department is, among other duties, responsible for the command, leadership, and management of the California National Guard.~~

~~This bill would require the Military Department, each fiscal year, from funds made available to it in the annual Budget Act or in another statute, to make grants to members of the California National Guard who are California residents, who are active members of the California National Guard or the State Military Reserve, as defined, who maintain satisfactory participation in unit training, and who are enrolled on at least a half-time basis at a campus of the University of California, the California State University, or the California Community Colleges. The bill would prohibit the amount of a grant from exceeding the amount that the recipient student was charged in that fiscal year for tuition and mandatory systemwide fees. The bill would authorize the Adjutant General to adopt regulations establishing procedures for the implementation of the bill.~~

~~The bill would appropriate an unspecified amount from the General Fund to the Military Department for expenditure, without regard to fiscal year, for tuition and fee grants for students who qualify for these grants.~~

~~The bill would declare that it is to take effect immediately as an urgency statute.~~



Vote: ~~2~~/~~3~~ majority. Appropriation: ~~yes~~-no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *The California National Guard and the State Military*
4 *Reserve provide military organization in California, with the*
5 *capacity to protect the lives and property of the people of the state*
6 *during periods of natural disaster and civil disturbance, and to*
7 *provide homeland security.*

8 (b) *The California National Guard and the State Military*
9 *Reserve perform other functions required by the California*
10 *Military and Veterans Code or as directed by the Governor.*

11 (c) *The California National Guard and the State Military*
12 *Reserve serve the essential public purpose of protecting the health,*
13 *safety, and property of California's citizens.*

14 (d) *Postsecondary education benefit incentive programs have*
15 *been highly successful in providing enlistment and retention*
16 *inducements for maintaining and strengthening national guard*
17 *and reserve programs in other states.*

18 (e) *It is the intent of the Legislature to further the public*
19 *purposes served by the California National Guard and State*
20 *Military Reserve by providing enlistment and retention*
21 *inducements by making postsecondary education benefits*
22 *available to members serving the state faithfully for a period of at*
23 *least one year.*

24 SEC. 2. Section 66025.6 is added to the Education Code, to
25 read:

26 ~~66025.6.—(a) Each fiscal year, the Military Department, from~~
27 66025.6. (a) *As used in this section, the following terms have*
28 *the following meanings:*

29 (1) *“Active duty” means any of the following:*

30 (A) *Voluntary or involuntary military or naval duty on behalf*
31 *of the United States of America during any period of national*
32 *emergency declared by the President of the United States of*
33 *America, or during any war in which the United States of America*
34 *is engaged.*

1 (B) Active military duty in the service of the state when the
2 Governor has issued a proclamation of a state of insurrection
3 pursuant to Section 143 of the Military and Veterans Code or a
4 proclamation of a state of extreme emergency.

5 (C) Active duty pursuant to Section 146 of the Military and
6 Veterans Code, or active service or duty under Chapter 7.5
7 (commencing with Section 400) of Part 1 of Division 2 of the
8 Military and Veterans Code, and receipt of a certificate of
9 satisfactory service in the California National Guard, or an
10 equivalent thereof.

11 (2) "Qualifying member" means a person who:

12 (A) Is a resident, as defined in Section 68017.

13 (B) Has served in the National Guard or the State Military
14 Reserve for one year or more.

15 (C) Is currently enrolled in an undergraduate program of
16 instruction, or has been admitted to a program in which he or she
17 will be enrolled, on at least a half-time basis, at a campus of the
18 University of California, the California State University, or the
19 California Community Colleges.

20 (b) No campus of the University of California shall charge any
21 qualifying member more than 25 percent of the amount of
22 mandatory systemwide tuition or fees that is charged to regular
23 students.

24 (c) In each fiscal year, the California State University shall
25 charge a qualifying member no more than the remainder when 75
26 percent of the amount of systemwide tuition or fees at the
27 University of California for that fiscal year is subtracted from the
28 amount of systemwide fees and tuition charged at the California
29 State University for that fiscal year.

30 (d) Notwithstanding any other provision of law, no campus of
31 the California Community Colleges shall charge the enrollment
32 fee set forth in Section 76300 to any qualifying member.

33 (e) Any qualifying member who undertakes active duty is
34 entitled to each of the following:

35 (1) Reimbursement of any mandatory systemwide tuition or
36 fees charged for any academic session that the qualifying member
37 is unable to attend or complete because he or she is on active duty.

38 (2) Reimbursement for any dormitory expenses charged for any
39 academic session that the qualifying member is unable to attend
40 or complete because he or she is on active duty.

1 (3) *An academic leave of absence for any academic session that*
2 *the qualifying member is unable to attend or complete because he*
3 *or she is on active duty. Upon return from an academic leave of*
4 *absence caused by active duty, a qualifying member shall have*
5 *priority for academic and residence assignments.*

6 (f) *Within 90 days of the close of the 2004–05 academic year,*
7 *and annually thereafter, within 90 days of the close of each*
8 *academic year, the Regents of the University of California, the*
9 *Trustees of the California State University, and the Board of*
10 *Governors of the California Community Colleges shall report to*
11 *the Legislature on the fiscal impact of this section during the*
12 *preceding academic year.*

13 (g) *It is the intent of the Legislature to provide fiscal support for*
14 *the requirements of this section in the annual Budget Act or in a*
15 *supplemental appropriation.*

16 (h) *This section shall become operative beginning with the*
17 *2004–05 academic year.*

18 ~~funds made available to it in the annual Budget Act or in another~~
19 ~~statute, shall make grants to members of the California National~~
20 ~~Guard and the State Military Reserve who meet the qualifications~~
21 ~~set forth in subdivision (b). No grant may exceed the amount that~~
22 ~~the recipient student was charged during that fiscal year for tuition~~
23 ~~and mandatory systemwide fees at any campus of the University~~
24 ~~of California, the California State University, or the California~~
25 ~~Community Colleges.~~

26 ~~(b) A student qualifies for a grant under this section if he or she~~
27 ~~meets all of the following requirements:~~

28 ~~(1) Resident classification, as defined in Section 68022.~~

29 ~~(2) Active membership in the California Army National Guard~~
30 ~~or the California Air National Guard, as defined in Section 101 of~~
31 ~~Title 32 of the United States Code as that section exists on January~~
32 ~~1, 2003, or the State Military Reserve, as defined in Chapter 3~~
33 ~~(commencing with Section 550) of Part 2 of Division 2 of the~~
34 ~~Military and Veterans Code, for a minimum of one year prior to the~~
35 ~~submission of an application for a grant under this section.~~

36 ~~(3) Satisfactory participation in unit training, as determined by~~
37 ~~the Office of the Adjutant General, during the year prior to~~
38 ~~submission of an application for a grant under this section and for~~
39 ~~all subsequent periods during which a grant under this section is~~
40 ~~provided or requested.~~

~~(4) Enrollment, on an at least a half-time basis, in an undergraduate or graduate program of instruction at a campus of the University of California, the California State University, or the California Community Colleges.~~

~~(e) The Office of the Adjutant General is authorized to adopt and publish regulations establishing procedures for the implementation of this section.~~

~~SEC. 2. The sum of _____ dollars (\$_____) is hereby appropriated from the General Fund to the Military Department for expenditure, without regard to fiscal years, in accordance with Section 66025.6 of the Education Code, for tuition and fee grants for qualifying members of the California National Guard and the State Military Reserve.~~

